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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/046,172

01/16/2002

Satoshi Inami

2002-0022A

2339

513

7590

10/31/2006

WENDEROTH, LIND & PONACK, L.L.P.

2033 K STREET N. W.

SUITE 800

WASHINGTON, DC 20006-1021

EXAMINER

RIMELL, SAMUEL G

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	10/046,172	INAMI ET AL.	
	Examiner	Art Unit	
	Sam Rimell	2164	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Sam Rimell. (3) _____
 (2) Doug Hahm. (4) _____

Date of Interview: 27 October 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
 If Yes, brief description: _____

Claim(s) discussed: _____

Identification of prior art discussed: _____


Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner indicated that proposed amendments would overcome rejections of record and place application in condition for allowance.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

WENDEROTH, LIND & PONACK, L.L.P.
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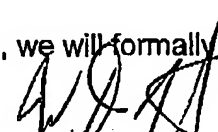
Fax Number: 571-273-4084

From: Wenderoth, Lind & Ponack, L.L.P. (W. Douglas Hahm)

Date: October 26, 2006

TOTAL NUMBER OF PAGES TRANSMITTED, INCLUDING COVER SHEET 8

Message:

Attached hereto is the draft Amendment you requested in your phone message of October 25, 2006. Please confirm by return facsimile (202-721-8250) or e-mail (wdhahm@wenderoth.com) that the claim amendments are satisfactory and place the application in condition for allowance. Upon receiving your confirmation, we will formally submit the response with the necessary extension of time. Thank You. 

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 2339
Satoshi INAMI et al. : Attorney Docket No. 2002_0022A
Serial No. 10/046,172 : Group Art Unit 2164
Filed January 16, 2002 : Examiner Samuel G. Rimell

A COMMUNICATIONS SYSTEM FOR RETRIEVING
INSTRUCTION FILES FROM A SERVER

DRAFT

AMENDMENT AFTER FINAL

DRAFT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action dated May 31, 2006, the period for response to which having been extended by two-months to October 31, 2006, please amend the above-identified application as follows.

AMENDMENTS TO THE CLAIMS**DRAFT**

Claims 1-14 (Cancelled).

15. (Currently Amended) A communications terminal for communicating with a server via a network, said communications terminal comprising:

- a storage unit for storing an application;
- an application executing unit for executing the application so as to generate data;
- a generated data storage unit for storing the data generated due to execution of the application by the application executing unit;
- a retrieval requesting unit for making a retrieval request to the server to retrieve an instruction file, said instruction file including transmission information specifying data for specifying transmission data to be transmitted to the server;
- a transmission data generating unit for determining, from among the generated data stored in said generated data storage unit, the transmission data to be transmitted to the server based on said transmission information specifying data destination server specifying data in said instruction file which specifies a destination server of the transmission data; and
- a transmitting unit for transmitting the transmission data to the server.

16. (Previously Presented) The communications terminal of claim 15, wherein said retrieval requesting unit is operable to make the retrieval request before or after the application is activated.

17. (Previously Presented) The communications terminal of claim 15, wherein said application executing unit is operable to begin execution of the application upon receipt of said instruction file transmitted from the server in response to the retrieval request.

18. (Previously Presented) The communications terminal of claim 15, wherein said retrieval requesting unit is operable to make the retrieval request by using a web browser to specify said instruction file stored in the server.

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19. (Previously Presented) The communications terminal of claim 15, wherein said instruction file further includes transmission format specifying data for specifying a format to be used for transmitting the transmission data to the server, and said transmitting unit includes a transmission format determining unit for determining a transmission format of the transmission data based on said transmission format specifying data, said transmitting unit being operable to transmit the transmission data in the transmission format determined by said transmission format determining unit.

20. (Previously Presented) The communications terminal of claim 15, wherein said instruction file further includes destination server specifying data for specifying a destination server to which the transmission data is to be transmitted, said transmitting unit being operable to transmit the transmission data to the destination server specified by said destination server specifying data.

21. (Currently Amended) A data transmission program on a computer readable medium, said data transmission program to be used in a communications terminal operable to communicate with a server via a network, said data transmission program comprising:

storing an application;

executing the application so as to generate data;

storing the data generated due to execution of the application;

making a retrieval request to the server to retrieve an instruction file, said instruction file including transmission information specifying data for specifying transmission data to be transmitted to the server;

determining, from among the stored generated data generated by the application, the transmission data to be transmitted to the server based on said transmission information specifying data destination server specifying data in said instruction file which specifies a destination server of the transmission data; and

transmitting the transmission data to the server.

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22. (Previously Presented) The data transmission program of claim 21, wherein said making the retrieval request comprises making the retrieval request before or after the application is activated.

23. (Previously Presented) The data transmission program of claim 21, wherein said executing the application comprises beginning the execution of the application upon receipt of said instruction file transmitted from the server in response to the retrieval request.

24. (Previously Presented) The data transmission program of claim 21, wherein said making the retrieval request comprises using a web browser to specify said instruction file stored in the server.

25. (Previously Presented) The data transmission program of claim 21, wherein said instruction file further includes transmission format specifying data for specifying a format to be used for transmitting the transmission data to the server, and said transmitting further includes determining a transmission format of the transmission data based on said transmission format specifying data, and transmitting the transmission data in the transmission format.

26. (Previously Presented) The data transmission program of claim 21, wherein said instruction file further includes destination server specifying data for specifying a destination server to which the transmission data is to be transmitted, said transmitting further including transmitting the transmission data to the destination server specified by said destination server specifying data..

27. (Currently Amended) A communications system comprising:
a server including:
 an instruction file storage unit for storing an instruction file; and
 an instruction file transmitting unit for transmitting the instruction file in response to a retrieval request; and

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a communications terminal including:

- a storage unit for storing an application;
- an application executing unit for executing the application so as to generate data;
- a generated data storage unit for storing the data generated due to execution of the application by the application executing unit;
- a retrieval requesting unit for making the retrieval request to said server to retrieve said instruction file, said instruction file including transmission information specifying data for specifying transmission data to be transmitted to said server;
- a transmission data generating unit for determining, from among the generated data stored in said generated data storage unit, the transmission data to be transmitted to said server based on said transmission information specifying data destination server specifying data in said instruction file which specifies a destination server of the transmission data; and
- a transmitting unit for transmitting the transmission data to said server.

28. (Previously Presented) The communications system of claim 27, wherein said retrieval requesting unit is operable to make the retrieval request before or after the application is activated.

29. (Previously Presented) The communications system of claim 27, wherein said application executing unit is operable to begin execution of the application upon receipt of said instruction file transmitted from said server in response to the retrieval request.

30. (Previously Presented) The communications system of claim 27, wherein said retrieval requesting unit is operable to make the retrieval request by using a web browser to specify said instruction file stored in said server.

31. (Currently Amended) A data transmission method to be used in a network including a communications terminal operable to transmit data generated by executing an application and a

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server operable to communicate with the communications terminal via the network, said method comprising:

- storing an instruction file in the server;
- storing an application;
- executing the application so as to generate data;
- storing the data generated due to execution of that application;
- making a retrieval request to the server to retrieve the stored instruction file, the instruction file including transmission information specifying data for specifying transmission data to be transmitted to the server;
- transmitting the previously-stored instruction file from the server to the communications terminal that made the retrieval request in response to the retrieval request;
- determining, from among the stored generated data generated by the application, the transmission data to be transmitted to the server based on the transmission information specifying data destination server specifying data in said instruction file which specifies a destination server of the transmission data; and
- transmitting the transmission data to the server.

32. (Previously Presented) The data transmission method of claim 31, wherein said making the retrieval request comprises making the retrieval request before or after the application is activated.

33. (Previously Presented) The data transmission method of claim 31, wherein said executing the application comprises beginning the execution of the application upon receipt of the instruction file transmitted from the server in response to the retrieval request.

34. (Previously Presented) The data transmission method of claim 31, wherein said making the retrieval request comprises using a web browser to specify the instruction file stored in the server.

DRAFT**REMARKS**

In view of the above amendments and the following remarks, reconsideration of the rejections contained in the final Office Action of May 31, 2006 is respectfully requested.

In the outstanding Office Action, the Examiner rejected pending claims 15-34 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Following submission of a Request for Reconsideration on August 31, 2006, the Examiner issued an Advisory Action dated October 2, 2006, in which the previous rejections were maintained. Subsequently, the Applicants' representative discussed the rejections with the Examiner by telephone on October 12, 2006 and October 20, 2006. During the telephone conversation of October 20, 2006, the Examiner proposed amendments to independent claims 15, 21, 27, and 31 that would overcome the Examiner's § 112 rejections and place the application in condition for allowance.

In view of the above, independent claims 15, 21, 27, and 31 have now been amended, and the claim amendments are identical to the claim amendments proposed by the Examiner during the telephone interview of October 20, 2006. As a result, it is the Applicants' understanding that these claim amendments now place claims 15-34 in condition for allowance.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. However, if the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned representative.

Respectfully submitted,

Satoshi Nishitani et al.

DRAFT

By: _____

W. D. Thomas Hahn

Registration No. 44,142

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October 26, 2006

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